

ORDINANCE NO. 2354

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING PORTION OF RIGHT-OF-WAY AND EASEMENT PER INSTRUMENT PER KING COUNTY RECORDING NUMBER 4171313 LYING WITHIN AND WITHOUT THE PROPOSED PLAT OF PERRIGO HEIGHTS PURSUANT TO RCW 35.79 AND RMC 20F.20.210 AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council has received a petition requesting that a portion of right-of-way and easement per instrument per King County recording number 4171313 affecting the proposed plat of Perrigo Heights be vacated; and

WHEREAS, the petition contains the signatures of the owners of more than two-thirds of the abutting property; and

WHEREAS, the Public Works Department recommends that the petition requesting vacation of a portion of right-of-way and easement be granted, and

WHEREAS, the Public Works Department recommends that a portion of right-of-way and easement affecting a portion of Lot , 27, Lookout Ridge, as revised by Lot Line Revision For Plat Of Lookout Ridge, according to the lot line revision recorded under recording number 20010814900002, records of King County, Washington also be vacated, and

WHEREAS, the Public Works Department recommends the right-of-way and easement affecting both properties described herein be vacated without additional compensation to Redmond, and

WHEREAS, the action of vacating a street or roadway is categorically exempt from environmental review per WAC 197-11-800(2)(h) and is therefore not subject to SEPA rules and determinations; and

WHEREAS, the City Council, by passage of Resolution 1252, established July 17, 2007, as the date for a public hearing to consider the requested right-of-way and easement vacation; and

WHEREAS, the City Clerk posted and published appropriate notices of the public hearing as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on July 17, 2007, and all persons who wished to testify were provided an opportunity to do so, and

WHEREAS, the City Engineer presented a report at the hearing which detailed the facts concerning the vacation and the pros and cons thereof, and

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,  
HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings of Fact. Based upon the testimony presented at the hearing, the Council makes the following:

**A. FINDINGS OF FACT**

1. The purposes and uses set forth in the instrument per recording number 4171313, records of King County, Washington are no longer necessary with respect to the recent development of Lookout Ridge, and the proposed development and platting of Perrigo Heights.

2. The proposed plat of Perrigo Heights has been approved, as have construction drawings for said development such that the completion of the development and the recording of the final plat of Perrigo Heights will produce right-of-way and improvements of like kind for the intended uses and purposes of the vacated area by extending the public water system, producing right-of-way and/or easement for public utility purposes, dedicating public right-of-way for NE 98<sup>th</sup> Way and the northeasterly extension of existing 174<sup>th</sup> Court N.E., constructing the NE 98<sup>th</sup> Way road and 174<sup>th</sup> Court N.E. road extension improvements, and providing a pedestrian connection through the proposed Perrigo Heights development that will move residents and the general public from the trail located on the eastern boundary of the development to 174<sup>th</sup> Court N.E. in the plat of Lookout Ridge.

The City may, but is not required to receive monetary consideration for the vacation of right-of-way.

## **B. CONCLUSIONS OF LAW**

1. The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Municipal Code.

2. The petitioners and the City have complied with the requirements of Chapter 35.79 RCW and Section 20F.20.210 of the Redmond Community Development Guide and Redmond Municipal Code.

Section 2. Vacation of Right-of-Way. Those portions of right-of-way and easement per instrument per recording number 4171313, records of King County, Washington, legally described on attached Exhibits "A" and "B" attached hereto and

incorporated herein by this reference as if set forth in full, are hereby vacated, subject to the provisions set forth in Section 4 below.

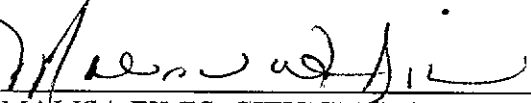
Section 3. Compensation. This vacation is undertaken with the understanding that the City does not require and will not receive additional compensation for the vacation of right-of-way and easement approved by this ordinance.

Section 4. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the vacation shall not be effective until such time as this Ordinance is recorded. The City Clerk, upon notification by the Public Works Director that the final plat of Perrigo Heights has been approved for recording, shall produce a certified copy of this Ordinance for the purpose of having it recorded contemporaneously with the final plat of Perrigo Heights with the King County Department of Records and Elections, thereby making the vacation effective.

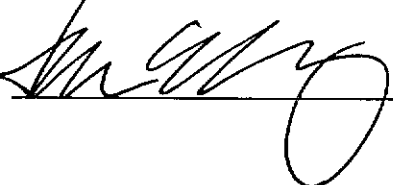
CITY OF REDMOND

  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
MALISA FILES, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	July 10, 2007
PASSED BY THE CITY COUNCIL:	July 17, 2007
SIGNED BY THE MAYOR:	July 18, 2007
PUBLISHED:	July 23, 2007
EFFECTIVE DATE:	July 28, 2007
ORDINANCE NO.:	<u>2354</u>

**ORDINANCE NO. 2354**  
**EXHIBIT "A"**

That portion of that certain right-of-way and easement legally described in instrument per recording number 4171313, records of King County, Washington lying within the parcel legally described as follows:

That portion of the north half of the northeast quarter of Section 1, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows: (all bearings being referred to a meridian which established the east line of said subdivision as bearing due North);

Beginning on the north line of said subdivision, at a point North 89°51'03" West 1901.75 feet, more or less, from the northeast corner thereof, which point of beginning is the most northwesterly corner of a tract of land conveyed to the Town Of Redmond, a municipal corporation, by Deed dated February 17, 1934, recorded February 26, 1934, in Volume 1568 of Deeds, on Page 1, under recording no. 2788466; thence along the westerly marginal line of said Town Of Redmond tract South 57°06'23" East 453.30 feet; thence South 54°18'00" East 195.93 feet; thence North 79°12'20" East 121.44 feet; thence South 57°25'25" East 105.32 feet; thence South 42°35'25" East 99.52 feet; thence South 63°31'25" East 185.98 feet; thence South 13°13'26" West 257.59 feet; thence South 53°59'25" East 322.00 feet; thence southerly to a point on a line that is 60 feet north of and parallel with the south line of the north half of the northeast quarter of said Section and 300 feet west of said Town Of Redmond tract; thence easterly on said parallel line 300 feet; thence South 50°27'00" East to the south line of the north half of northeast quarter of said Section; thence along said south line North 89°56'52" West 1303.12 feet to a point which is South 89°56'52" East 1010.39 feet from the north and south center line of said Section; thence North 24°36'00" East 378.82 feet; thence North 40°56' West 766 feet to a point on the west line of the east half of Government Lot 2 in said Section which is 920.99 feet northerly of the southwest corner of said east half; thence northerly along said west line to the north line of said Section; thence easterly along said north line 100 feet to the point of beginning. EXCEPT that portion thereof described as follows: Beginning at the southeast corner of the northeast quarter of the northeast quarter of said Section 1; thence North 89°56'52" West along the south line of said northeast quarter of the northeast quarter, 841.34 feet; thence North 0°03'08" East 30.00 feet to the True Point Of Beginning; thence continuing North 0°03'08" East 380.43 feet; thence South 53°59'25" East 151.30 feet; thence North 14°06'55" East 30.64 feet; thence North 89°43'20" East 120.09 feet; thence South 0°16'40" East 156.01 feet; thence South 51°38'40" East 267.82 feet; thence North 89°56'52" West 461.07 feet to the True Point Of Beginning. ALSO EXCEPT that portion described as follows: Commencing at the centerline intersection of 174<sup>th</sup> Court N.E. with the centerline of N.E. 97<sup>th</sup> Way according to the plat of Lookout Ridge, Volume 181 of Plats, Pages 70 through 75, records of King County, Washington; thence North 6°29'38" East along the centerline of said 174<sup>th</sup> Court N.E. 102.35 feet; thence North 83°30'22" West perpendicular to said centerline 22.00 feet to a point of non-tangent curve, the center of which bears South 83°30'22" East 172.00 feet; thence northeasterly along said curve to the right through a central angle of 37°41'17" an arc distance of 113.14 feet; thence North 44°10'55" East 42.42 feet to the northeasterly line of said plat of Lookout Ridge and the Point Of Beginning; thence continuing North 44°10'55" East 38.99 feet; thence North 35°20'11" West 50.02 feet to

the northeast corner of said plat of Lookout Ridge; thence South  $0^{\circ}59'49''$  West 65.33 feet to an angle point in the easterly line of said plat of Lookout Ridge; thence South  $39^{\circ}59'28''$  East along the northeasterly line of said plat 4.50 feet to the Point Of Beginning.

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**EXHIBIT "B"**

That portion of that certain right-of-way and easement legally described in instrument per recording number 4171313, records of King County, Washington lying within that portion of Lots 27, 28 and 174<sup>th</sup> Court N.E. according to the plat of Lookout Ridge, recorded in Volume 181, Pages 70 through 75, records of King County, Washington, and that portion of Government Lot 2 (northwest quarter of the northeast quarter) of Section 1, Township 25 North, Range 5 East, W.M., in King County Washington, all more particularly described as follows:

Commencing at the centerline intersection of said 174<sup>th</sup> Court N.E. with the centerline of N.E. 97<sup>th</sup> Way according to said plat of Lookout Ridge; thence North 6°29'38" East along the centerline of said 174<sup>th</sup> Court N.E. 102.35 feet; thence North 83°30'22" West perpendicular to said centerline 22.00 feet to a point of non-tangent curve, the center of which bears South 83°30'22" East 172.00 feet; thence northeasterly along said curve to the right through a central angle of 31°41'00" an arc distance of 95.11 feet to the Point Of Beginning; thence continuing along said curve to the right through a central angle of 6°00'17" an arc distance of 18.03 feet; thence North 44°10'55" East 42.42 feet to the northeasterly line of said plat of Lookout Ridge; thence continuing North 44°10'55" East 38.99 feet; thence North 35°20'11" West 50.02 feet to the northeast corner of said plat of Lookout Ridge; thence North 88°48'00" West along the north line of said plat of Lookout Ridge 131.50 feet to a point which bears North 38°28'40" West from the Point Of Beginning; thence South 38°28'40" East 147.54 feet to the Point Of Beginning.